

DOL Frequently Asked Questions in the Event of a Lapse in Appropriations

Many of your questions can be answered by viewing [OPM's Guidance for Shutdown Furloughs](#), including (but not limited to) pay, benefits, leave, retirement, and furloughs. We encourage you to review those and use the answers below as supplemental information.

1. How long will the shutdown last? When will I be able, or required, to come back to work?

We don't know how long the shutdown will last; any answer we would give at this point would be speculative. We realize this isn't much comfort. The Department of Labor has some of the best, most dedicated employees in the Federal Government. It is extremely difficult to inform them they cannot come to work for an indefinite period of time. Unfortunately, it's an issue over which the leadership of the Department does not have control.

All DOL employees should regularly monitor public broadcasts and www.opm.gov for the most recent information about the Government shutdown. Please note that all employees are expected to report for work on their next regularly scheduled work day following the enactment of appropriating legislation which allows normal DOL operations to resume, regardless of whether the resumption is temporary or for the balance of the year. Employees should report to work even if they have not received specific instructions to return at this time.

2. Will I receive an official furlough notice?

Yes. Agencies are required to formally notify all employees who may be subject to a furlough. Therefore, all employees whose work activities are funded by a source of funds that has expired on October 1, 2013, will receive a formal furlough notice via regular mail to their legal address of record within seven days following the lapse in appropriations. Please note that this includes employees designated as "excepted/full-time" and "excepted/intermittent".

3. Are any DOL employees exempt from the shutdown furlough?

Any DOL employee whose work activities are directly funded by a source of funds not expired on October 1, 2013, is exempt from the shutdown furlough. In addition, individuals appointed by the President, with or without Senate confirmation, who are not covered by the leave system in 5 U.S.C. chapter 63, or an equivalent formal leave system, are not subject to furlough.

4. I wasn't furloughed as a result of the Sequestration reductions. Why does this shutdown furlough include me?

The sequestration-related furloughs and the shutdown furloughs are different kinds of furloughs.

The furloughs that resulted from Sequestration were planned events, designed to absorb reductions necessitated by a budget situation other than a lapse in appropriations. DOL components that were able to absorb the budget reductions mandated by Sequestration were able to avoid or reduce associated furloughs.

A shutdown furlough occurs when there is a lapse in appropriations; specifically if no funds have been appropriated for the year, either by means of a continuing resolution or appropriations

legislation. In a shutdown furlough, an affected agency must shut down any activities funded by annual appropriations that are not excepted by law.

5. I have bills to pay/need to make rent/etc. Will the Department do anything for me during a shutdown?

We understand that suspension of operations furloughs may present a hardship for Department employees. The Department cannot control the rules governing a suspension of operations, nor can the Department control the length of the shutdown. However DOL will provide financial management tools to assist employees during this difficult time.

The **Employee Assistance Program** will provide financial management counseling at no cost to any employees who are concerned about their finances during the suspension of operations. Services are available 24 hours a day, 7 days a week. Contact 1-800-222-0364, or 1-888-262-7848 (TTY), or visit the website at www.FOH4You.com.

In addition, the **DOL Federal Credit Union** (DOLFCU) will be open until noon on Tuesday during the shutdown period. If the shutdown extends past Tuesday, staff will be working to answer phone calls, emails and continue to work on loan requests but they will not be open for walk-in clients. The DOLFCU ATMs at FPB will be operational, but may have limited hours or fund accessibility during a shutdown period.

WorkLife4You: A free resource and referral service can help DOL employees who may have feelings of angst and stress during the uncertainty of a government shutdown. Worklife4You is available to support DOL federal employees facing this challenge. To fully access the website, employees will need to complete a one-time brief registration that will require DOL's specific registration code. This code can be found by accessing the Worklife4You page at www.WorkLife4You.com (Click on the "Not registered yet? Start Now!" link and enter registration code: USDOL.), or contact Worklife4You at (800) 222-0364/TTY (888) 262-7848.

6. Can I check my e-mail or do work off-site while on furlough?

No. The law prohibits the Department from accepting voluntary services of employees during a shutdown. Unless you have been designated as an exempt or excepted employee during this furlough period you are required to cease all DOL work until normal operations resume. This means employees in "non-excepted" status cannot perform work activities, even remotely, nor use their government-issued DOL e-mail account, or DOL intranet to conduct work activities during a suspension of operations.

7. How does my non-pay status during a shutdown affect my health, dental, vision and other benefits?

Please see the chart provided as part of these FAQs titled *Employee Benefits: The Impact of a Shutdown*.

8. I plan to retire October 1st. Will I be able to retire if I am furloughed (if the government shuts down)?

Yes. Employees who, on or before the requested retirement date, submitted some notice of their desire to retire, will be separated effective the date requested, when the lapse in appropriations

ends. The retirement request may be informal (such as a letter requesting retirement), and can be either mailed or personally submitted to the supervisor **and** servicing human resources office. An employee may submit a request via email, but the employee must use a non-DOL email account to transmit the request. During the shutdown furlough period, furloughed employees are prohibited from using DOL-issued email accounts or DOL intranets. Any additional required paper work, such as the formal retirement application form, may be completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of the agency.

9. Am I entitled to unemployment compensation during a government shutdown?

While on furlough, employees may become eligible for unemployment compensation. State unemployment compensation requirements differ; typically unemployment compensation is available to individuals who have been in a non-pay status for seven or more consecutive days and meet other eligibility requirements. A formal furlough notice and information on Unemployment Insurance will be sent to employees' legal address to assist employees in filing unemployment claims.

In addition, it is suggested that employees considering filing for unemployment compensation check local and state requirements.

10. What are my grievance or appeal rights if I am furloughed?

If you are furloughed, you may have the right to appeal or grieve the furlough decision. An employee covered by the DOL collective bargaining agreements (CBAs) may grieve the furlough decision in accordance with the grievance procedures outlined in the appropriate CBA.

Any DOL employee may appeal the furlough decision to the Merit Systems Protection Board; however, an employee who files a grievance may not also file an appeal with MSPB. If you wish to appeal to the MSPB, you must file such appeal within 30 calendar days after the effective date of your furlough action. Forms and additional information for purposes of filing an appeal with the MSPB may be found on the MSPB web site, <http://www.mspb.gov>.

The coverage requirements defining who is entitled to appeal rights are as follows:

Employees in the Competitive Service: An employee in the competitive service is entitled to appeal rights if (1) he or she not serving a probationary or trial period under an initial appointment, or (2) he or she has completed one year of current continuous service under other than a temporary appointment limited to one year or less.

Employees in the Excepted Service: An employee in the excepted service is entitled to appeal rights if

he or she is a veterans' preference eligible and has completed one year of current continuous service in the same or similar position, or

he or she is not a veterans' preference eligible and either:

he or she is not serving a probationary or trial period under an initial appointment pending conversion to the competitive service, or

he or she has completed two years of current continuous service in the same or similar position under other than a temporary appointment limited to two years or less.

Career Senior Executive Service (SES) Employees: A career SES appointee who has been furloughed may appeal to the MSPB under the provisions of the MSPB's regulations.

11. My supervisor has told me that I've been designated as an "excepted" employee by my agency. What does this mean?

In the context of shutdown furloughs, the term "excepted" is used to refer to employees who are funded through annual appropriations who are nonetheless excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. Excepted employees include employees who are performing emergency work involving the safety of human life or the protection of property or performing certain other types of excepted work.

If you have been designated as an "excepted/full-time" employee, this means you will be required to perform work that must continue to be performed on a full-time basis despite the lapse in appropriations.

If you have been designated as an "excepted/intermittent" employee, you will be required to perform some work that must continue to be performed despite the lapse in appropriations, but your assignments will not require you to work on a full-time basis. Therefore, you should expect to experience some period of furlough when you are not working on excepted activities.

All excepted employees must either be at work performing excepted activities, or in a non-duty, non-pay (i.e., furlough) status. Accordingly, you will receive a formal furlough notice notwithstanding the fact that you are authorized to perform excepted activities during the lapse in appropriation.

12. If I am designated as an "excepted/full-time" or "excepted/intermittent" employee during the shutdown furlough, will I get paid for the work that I perform during the furlough period?

Agencies will incur obligations to pay for services performed by excepted/full-time and or excepted/intermittent employees during a lapse in appropriations, and those employees will be paid after Congress passes and the President signs a new appropriation or continuing resolution.

13. Can excepted employees accrue credit and comp time? What about religious time?

Yes. Excepted employees may earn compensatory time off and/or credit hours subject to established regulations. Employees will not be permitted to use earned compensatory time off or credit hours during the shutdown period. An excepted employee may work additional hours for religious purposes if the employee is performing excepted activities, though the employee may not use those hours until after the lapse in appropriations is over.

14. Will exempt/excepted employees be able to continue working flextime and telework?

Yes, however the exempt/excepted employee should confirm expectations with their supervisor or designated official.

15. How will excepted and not-excepted employees address jury duty requirements on timecards during shutdown and after a return to pay status?

During the shutdown period, exempt employees record their time and attendance as normal. Excepted employees will be in furlough status when they are not working. Excepted employees are encouraged to keep a record of in/out times using a method whereby the information can be easily retrieved after the shut-down period at a later date. Jury duty can be noted on this record and further instructions will be provided once funding is approved.

16. Is the leave bank “funded” and may employees approved for use of donated leave for medical emergencies continue to do so?

Yes, the leave bank is funded, however unless the employee is exempt, all leave is cancelled and cannot be taken during the shutdown period and no new leave requests are allowed.

17. What are the procedures for Excepted employees for completing time sheets should the government shutdown continue past pay period 19?

Time and Attendance Instructions will be posted on the same site as the FAQs.

18. Will employees receive transit subsidy deposits on Oct 1?

Washington Metropolitan Area Transit Authority (WMATA) has informed DOL that transit benefits will be available for October. The regions also indicated that DOT will have benefits available on the GO CARD for October.

19. What is the process for repayment loans against the 401k / Thrift Savings Plan during furlough? The benefits handout does not address this.

Please see the Thrift Savings Plan Fact sheet on the Effects of Nonpay Status on your TSP Account, <https://www.tsp.gov/PDF/formspubs/oc95-4.pdf>

20. If dental and vision premiums end up getting sent to the home during a more lengthy shutdown, what amount is due? The total premium or just the monthly amount is due now which is partially employer funded?

There is no government contribution to the supplemental dental/vision plans. A bill will be generated to enrollees for premiums when no payment is received for two consecutive pay periods. The enrollee should pay premiums directly billed to him/her on a timely basis to ensure continuation of coverage. There is no specific guidance on how the bill will be generated i.e. biweekly or monthly at this time.

21. If an employee is on leave during the “orderly shutdown period” on October 1, but has their laptop with them, can they log into the system on that day to do orderly shutdown activities remotely?

Effective October 1, 2013 if there is a lapse in appropriations, all leave is cancelled for all employees not designated as exempt. Therefore, an employee ordered to perform orderly shutdown activities can do so on-site or remotely, per supervisory guidance.

Employee Benefits: The Impact of a Shutdown			
Program	Payments during shutdown	Coverage/eligibility during shutdown	Post-shutdown
Retirement	During a period of nonpay status, retirement coverage continues. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay.	No interruption in coverage. Nonpay status of less than an aggregate of 6 months in any calendar year has no effect on retirement benefits or creditable service.	N/A
Federal Employees Health Benefits (FEHB)	The Department is responsible for forwarding the employee's share of the premiums to the health care provider.	No interruption in coverage. Employee enrollment in the FEHB program continues for up to 365 days in a nonpay status. Government contributions to your FEHB plan will continue while the suspension of operations is in effect.	Coverage continues and the employee must pay any debt owed for FEHB premiums. The employee's share will be deducted from his or her pay upon resumption of normal Department operations.
Federal Employees Life Insurance (FGLI)	No cost to the employee or the agency.	No interruption in coverage. FGLI coverage continues up to 12 consecutive months in a nonpay status without cost to the employee or to the agency.	FGLI coverage continues without interruption.
Thrift Savings Plan (TSP)	Employees who are in a nonpay status are not contributing to TSP. Likewise, TSP Agency Contributions are not made while an employee is in a nonpay status.	Employees are not eligible to contribute to TSP while in a nonpay status.	Upon return to duty, employees may need to adjust their TSP contributions if they are trying to contribute the maximum for the tax year.
Federal Long Term Care Insurance Program (FLTCIP)	Employees have two options for paying their premiums for long term care insurance while they are in a nonpay status: automatic bank withdrawal or direct billing. Employees should contact Long Term Care Partners to ensure that premiums are paid timely.	No interruption in coverage. Coverage continues.	Employee remains responsible for payments directly to LTC Partners.
Flexible Spending Accounts (FSA)	Employees will not contribute to their FSA during nonpay status.	Employees in a nonpay status will have their accounts frozen. Once they return to duty, their accounts will be reactivated and claims can be filed.	Upon return to duty, payroll deductions will be adjusted based on the number of pay periods left in the year.
Federal Dental/Vision Insurance Program (FEDVIP)	Employees enrolled in FEDVIP who experience a period of LWOP for two consecutive pay periods will be switched to a Direct Bill method. This means they will receive a bill at their home address for their premiums, and they must pay this bill. If they do not pay by the due date specified on the bill, their coverage will be terminated. Premiums paid by Direct Bill are not pre-tax.	Coverage continues as long as premiums are paid.	Nonpay status of less than two pay periods may result in extra deductions upon return to a duty status
Annual and Sick Leave Accrual	N/A	When a full-time employee accumulates 80 hours of leave without pay, the amount of annual and sick leave that may be accrued in that pay period is reduced by the amount of leave the employee would normally earn during the pay period. When a part-time employee is in a nonpay status, he or she will accrue less annual leave and sick leave, since part-time employees earn leave on a pro-rata basis--i.e., based on hours in a pay status. For purposes of computing accrual rates for annual leave, creditable service for time in a nonpay status is limited to an aggregate of 6 months in a calendar year.	N/A

Leave under the Family and Medical Leave Act (FMLA)	N/A	An employee who is on approved Leave Without Pay (LWOP) under the FMLA on days that coincide with the period of furlough will continue to be charged LWOP. Consistent with law and regulations, the LWOP taken under the FMLA is part of the 12-week entitlement. However, an employee who was scheduled during the furlough to take paid leave under the FMLA (i.e., an employee chooses to substitute annual leave or sick leave, as appropriate, for unpaid leave under the FMLA) must be placed on furlough instead. Since the paid leave was canceled, the period of absence may not be used to reduce the 12-week entitlement to FMLA leave.	N/A
Within Grade Increases (WIGIs)	N/A	N/A	Nonpay status may have an affect on eligibility for within grade increases. A total of 2 workweeks in a nonpay status in a waiting period is creditable service for advancement to steps 2, 3, and 4 of the General Schedule; 4 workweeks for advancement to steps 5, 6, and 7; and 6 workweeks for advancement to steps 8, 9, and 10. For prevailing rate employees (WG, WL, and WS schedules), a total of 1 workweek in a nonpay status is creditable service for advancement to step 2, 3 workweeks for advancement to step 3, and 4 workweeks for advancement to steps 4 and 5.
Unemployment Compensation	N/A	It is possible that employees may be eligible for unemployment compensation, especially if they are on consecutive furlough days. State unemployment compensation requirements differ. Employees should submit their questions to the appropriate State office.	N/A
Telework	N/A	Most employees may not telework during a furlough. Unless otherwise authorized by law, an employee may not work/telework during a furlough.	N/A
Employee Assistance Program (EAP)	As always, no cost to the employee	EAP will continue to help employees resolve life challenges, through confidential counseling and coaching with experienced, licensed counselors - including legal and financial consultation and will be available 24 hours a day/7 days per week at 800-222-0364/TTY 888-262-7848.	N/A
WorkLife4You (Resource & Referral)	As always, no cost to the employee	WorkLife4You will continue to help employees and loved ones better manage daily responsibilities and life events at 800-222-0364/TTY 888-262-7848.	N/A